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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/305,981 11/08/94 FREEMAN

H 1100071

EXAMINER

EXCISE, R

ART UNIT

PAPER NUMBER

FBM1/0018  
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3301

DATE MAILED:

09/11/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-42 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

- ☐ Claims \_\_\_\_\_ have been cancelled.

- ☒ Claims 34-42 are allowed.

- ☒ Claims 1-33 are rejected.

- ☐ Claims \_\_\_\_\_ are objected to.

- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

- ☐ Formal drawings are required in response to this Office action.

- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_, filed on \_\_\_\_\_.

- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

- ☐ Other

EXAMINER'S ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9, 12, 15, 19-20 and 23-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Buese '159.

Buese '159 discloses an orthopedic cast bandage comprising an open mesh, fiberglass tape (col. 2, line 39), a hardenable liquid resin (col. 2, line 40) coated on the fibrous tape and at least one coloring agent (col. 5, lines 5-7) disposed on a portion of the tape. The open mesh fibrous tape comprises fiber glass fibers (col. 2, lines 39-41).

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Claims 6-8, 10-11, 13-14, 16-18, 21-22, 25-27 and 29-30 are rejected under 35 U.S.C. § 103 as being unpatentable over Buese '159 in view of Gasper.

Buese '159 discloses an orthopedic cast bandage, substantially as claimed. However, Buese does not disclose the open mesh fibrous tape having at least two color agents disposed on the tape of the fibrous tape being polyester. Gasper teaches on open mesh fibrous tape comprising at least two coloring agents (col. 7, line 51 to col. 8, line 11) and fibers that are fiberglass or polyester (col. 4, lines 26-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the at least two or more color agents could be disposed onto the fibrous tape and that the tapes could be made of polyester fibers as taught by Casper. The two color agents would allow a pattern to be formed on the tape. The polyester fibers would be storable for a long shelf life. However, polyester is also suitable to accept a resin and to form a hardable cast.

Claim 28 is rejected under 35 U.S.C. § 103 as being unpatentable over the references as applied to claim 25 above, and further in view of Parker.

Parker teaches that a casting material can be made of cotton and synthetic fibers (col. 15, line 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made that a multiple filament yarn as taught by Parker could be substituted for the yarns as disclosed by Bueses.

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The multiple filament yarns would provide a soft material that is suitable for the impregnation of resin to form a hardenable cast.

Claims 31-33 are rejected under 35 U.S.C. § 103 as being unpatentable over Buese '159 in view of Paxit.

Buese '159 discloses a process for preparing an orthopedic cast tape, substantially as claimed. However, Buese does not disclose the fibers of the cast being polyester yarns or the transferring printing step. Paxit teaches a polyester fabric that may be printed with a pattern by depositing a dye on the fabric. Freeman concedes in the patent that the transferring printing step is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the polyester fibers that could be soaked with a dye as taught by Paxit could be substituted for the fibers as disclosed by Buese. The polyester fibers are suitable for the impregnation of a resin and a dye to form a hardenable cast that has a pleasant appearance.

Claims 34-42 are allowable over the prior art of record.

Any inquiry concerning this communication should be directed to Michael Brown at telephone number (703) 308-2682.

M. Brown  
18 September 1995



MICHAEL A. BROWN  
PRIMARY EXAMINER  
GROUP 3300